



**Austin City Council
MINUTES**

**REGULAR MEETING
THURSDAY, NOVEMBER 21, 2002**

The following represents the actions taken by the Austin City Council in the order they occurred during the meeting. While the minutes are not in sequential order, all agenda items were discussed.

The City Council of Austin, Texas, convened in a regular meeting on Thursday, November 21, 2002 in the Board Room at Lower Colorado River Authority Hancock Building, 3700 Lake Austin Boulevard.

Invocation: Benjamin Anyacho, Evangelist, Apostolic Bridge Builders.

Mayor Garcia called the Council Meeting to order at 12:07 p.m.

Mayor Garcia recessed the meeting at 12:09 p.m. to go into Executive Session

EXECUTIVE SESSION

The City Council went into Executive Session, pursuant to Chapter 551 of the Texas Government Code, to receive advice from Legal Counsel, to discuss matters of land acquisition, litigation, and personnel matters as specifically listed on this agenda and to receive advice from Legal Counsel regarding any other item on this agenda.

Private Consultation with Attorney - Section 551.071

1. Discuss legal proceedings relating to a Federal Communication Commission order classifying cable modem service as an "interstate information service."
2. Discuss legal issues related to *Raili Buckner and Joe Buckner v. City of Austin, Texas d/b/a Austin Energy and Daniel Balandran*, Cause Number GN 201060 in the 345th Judicial District Court of Travis County, Texas. (This lawsuit arises out of a motor vehicle collision involving a city employee).
3. Discuss legal issues related to the relocation of private utility facilities in the public right-of-way.
4. Discuss legal issues relating to pipeline regulation and pipeline franchise negotiations.
No discussion was held on this item.
5. Discuss legal issues related to *Christopher Ochoa v. City of Austin, Texas, et. al., Case Number *A02 CA 710 JN, in the United States District Court for the Western District of Texas, Austin Division* (this concerns Mr. Ochoa's claim that he was falsely imprisoned).
No discussion was held on this item.
6. Discuss legal issues related to indemnification of legal expenses.

Executive Session ended at 1:34 p.m.

Mayor Garcia called the Council Meeting back to order at 1:35 p.m.

CITIZEN COMMUNICATIONS: GENERAL

7. Jimmy Castro - Organ Donation
8. Susana Almanza - East Austin doesn't want to be the next Clarksville! The poor and the working poor and people of color have the right to live within the Urban Core. Stop the Displacement.
9. Dr. Sylvia Herrera - Historic Relocation of East Austin Residents
10. Jose Qunitero - East Austin 5th Street Redevelopment
11. Jennifer Gale - Mayoral candidate Jennifer Gale's platform Improvements

CONSENT AGENDA

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The consent items were approved on Council Member Thomas' motion, Council Member Dunkerley's second on a 6-0 vote. Mayor Pro Tem Goodman was absent.

12. Approval of minutes from worksession of November 6, 2002 and regular meeting of November 7, 2002.
The minutes from the work session of November 6, 2002 and the regular meeting of November 7, 2002 were approved.

Item 13 was pulled for discussion.

14. Approve the issuance of a rebate in the amount of \$53,148 to MOTOROLA, INC., for the retrofit installation of high efficiency motors, pumps, and variable frequency drives (VFDs) at their building located at 6501 W. William Cannon Drive. Energy improvements qualifying for this rebate will save an estimated 213 kilowatts at a program cost of \$250 per kilowatt saved. (Funding in the amount of \$53,148 is available in the 2002-2003 Conservation Rebates and Incentive Fund.) (Electric Utility Commission and Resource Management Commission Review)
The motion authorizing the issuance of a rebate was approved.
15. Approve an ordinance for the issuance by River Place Municipal Utility District of Unlimited Tax and Revenue Refunding Bonds, Series 2002, in an amount not to exceed \$2,725,000 and approving the terms conditions and covenants of the Bond Resolution and Preliminary Official Statement. (The City is not responsible for payment of District bond debt service until annexation and dissolution of the District. If annexation occurs, the avoided debt service associated with the refunding would also benefit the City of Austin.)
Ordinance No. 021121-15 was approved.
16. Approve an ordinance transferring a franchise held by Southern Union Gas Company to Oneok, Inc. (Second Reading).
The second reading for the ordinance was approved.
17. Approve a resolution for the appointment of Tom Shefelman to a two-year term as Austin's Lay Representative and Advisory Council member to the Central Texas Library System ("CTLs").
Resolution No. 021121-17 was approved.

18. Approve an amendment to the adopted City Council meeting schedule for the Year 2003.
The motion authorizing the amendment was approved.

Item 19 was pulled for discussion

20. C14-02-0136 - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 1509 West North Loop Blvd. (Shoal Creek Watershed) from LO, Limited Office district zoning to LR-CO, Neighborhood Commercial-Conditional Overlay Combining district zoning. First Reading on October 24, 2002; Vote: 6-0, Dunkerley absent. Conditions met as follows: Conditional overlay incorporates the conditions imposed at first ordinance reading. Applicant and Agent: Michael London. Staff: Glenn Rhoades, 974-2775.
Ordinance No. 021121-20 was approved.
21. C14-02-0093 - Plaza Amistad - Approve second/third readings of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 5100 East 7th Street from LI, Limited Industrial Services district, zoning to CS-1-CO, Commercial-Liquor Sales-Conditional Overlay Combining district, zoning for Tract 1 and CS-CO, General Commercial Services-Conditional Overlay Combining district, zoning for Tract 2. First Reading on November 7, 2002; Vote: 5-2, Alvarez and Thomas - nay. Applicant and Property Owner: Pedro SS Services, Inc. (Rosa Santis). Agent: Morales & Associates (Ponciano Morales). City Staff: Annick Beaudet, 974-2975.
The second reading of the ordinance was approved. Council Members Alvarez and Thomas voted nay.
22. Approve execution of a contract with MUNIZ CONCRETE & CONTRACTING, INC. (MBE/MH, 81.15%), Austin, Texas, for construction of the Ricky Guerrero Park Play Area Renovation in an amount not to exceed \$82,096.00. (Funding includes the base bid in the amount of \$57,629 and alternates 1 and 2 in the amount of \$24,467. Funding was included in Fiscal Year 2001-2002 approved Capital Budget of the Parks and Recreation Department.) Lowest of eight bids received. 5.21% WBE subcontracting participation.
The motion authorizing the execution of a contract was approved.
23. Approve execution of a contract with MUNIZ CONCRETE & CONTRACTING, INC. (MBE/MH, 48.04%) Austin, Texas, for construction of new play equipment at Martin Park at Festival Beach in an amount not to exceed \$57,544.00. (Funding includes the base bid in the amount of \$53,944 and two alternates in the amount \$3,600. Funding was included in Fiscal Year 2001-2002 approved Capital Budget of the Parks and Recreation Department.) Lowest of eight responsive bids. 4.63% WBE subcontracting participation.
The motion authorizing the execution of a contract was approved.
24. Approve the negotiation and execution of an Agreement between the City of Austin and SafePlace to provide coordination and counseling, safety planning and referrals for family violence cases for the Austin-Travis County Family Violence Protection Team, utilizing grant funding in an amount not to exceed \$600,000. (Funding is available from the U.S. Department of Justice, Office of Justice Programs, Violence Against Women Grants Office as a part of a grant award received by the City of Austin for the grant period October 1, 2002 through September 30, 2004.)
The motion authorizing the negotiation and execution of an agreement was approved.

25. Approve a resolution for conveyance of 11,124 square feet of land out of the James Burleson Survey No. 19, Travis County, Texas owned by the City of Austin, to the Texas Department of Transportation for construction of a right turn lane into the Walnut Creek Wastewater Treatment Plant.
Resolution No. 021121-25 was approved.
26. Approve a resolution for the fee simple acquisition of Lot 35, Linda Vista Subdivision, locally known as 10801 Linda Vista, from Soledad Luevano for the Airport Noise Mitigation Program, in the amount of \$50,000 and \$52,500 relocation benefits, for a total amount not to exceed of \$102,500, plus closing cost and moving related assistance. [Funding in the amount of \$102,500 is available in the Fiscal Year 2002-2003 Capital Budget of the Aviation Department using airport funds and available Federal Aviation Administration (FAA) grants.]
Resolution No. 021121-26 was approved.
27. Approve negotiation and execution of a professional services agreement with each of the following six firms: CARRASQUILLO ASSOCIATES, LTD. (MBE/MH, 63%), Austin, Texas; ENCOTECH ENGINEERING CONSULTANTS, INC. (MBE/MA, 74.8%), Austin, Texas; RATNALA & BAHL, INC., Austin, Texas; WAUGH ENGINEERING, INC. (WBE/FR, 89%-91.3%), Austin, Texas; CHARLES D. GOODEN CONSULTING ENGINEERS, INC. (MBE/MB, 68.8%), Houston, Texas; and CIVILTECH ENGINEERING, INC. (MBE/MH, 50%), Round Rock, Texas, to provide structural engineering services for City of Austin Capital Improvements Program projects for a period of approximately two years, or until financial authorization is expended, each agreement in an amount not to exceed \$750,000, with a total amount of the six agreements not to exceed \$750,000. (Funding is available in the Capital and/or Operating Budgets of the Public Works Department and various other departments for which services are required.) Best of ten qualification statements submitted. CARRASQUILLO ASSOCIATES, LTD. 17% MBE, 20% WBE; ENCOTECH ENGINEERING CONSULTANTS, INC. 7% MBE, 18.2% WBE; RATNALA & BAHL, INC., 12% MBE, 18.20% WBE; WAUGH ENGINEERING, INC. 8.7%-11%; CHARLES D. GOODEN CONSULTING ENGINEERS, INC. 13% MBE, 18.2% WBE; and CIVILTECH ENGINEERING, INC. 10% MBE, 20% subconsultant participation.
The motion authorizing the negotiation and execution of a professional services agreement was approved.
28. Approve execution of Change Order #3 to a construction contract with AUSTIN BRIDGE & ROAD, Austin, Texas, for removal and replacement of a thirty-six inch diameter double disc gate valve and connections at West Lynn and 12th Street as part of the Group 10 Street Reconstruction Project, in an amount not to exceed \$100,000, for a total contract amount not to exceed \$1,313,274.63. (Funding in the amount of \$100,000 is available in the 2002-2003 Amended Capital Budget of the Water and Wastewater Utility.) Overall MBE/WBE participation, including this Change Order is: 5.93% MBE, 5.15% WBE.
The motion authorizing the execution of Change Order #3 to a construction contract was approved.
29. Approve negotiation and execution of an increase in authorization with KURKJIAN ENGINEERING CORPORATION (WBE/FA, 100%), Austin, Texas, and RAYMOND CHAN & ASSOCIATES (MBE/MA, 100%), Austin, Texas, for additional water and wastewater construction phase professional engineering services for Eubank Acres, as part of the 1997 Annexation Engineering Design Services Rotation List contracts, in the amount of \$125,000, for

a total rotation list agreement amount not to exceed \$4,285,000. (Funding in the amount of \$125,000 is available in the 2002-2003 Amended Capital Budget of the Water & Wastewater Utility.) Overall participation, including this amendment: KURKJIAN ENGINEERING CORPORATION 14.43% MBE, 85.02% WBE, RAYMOND CHAN & ASSOCIATES 62.2% MBE, 34.32% WBE. (Recommended by Water and Wastewater Commission)

The motion authorizing the negotiation and execution of an increase in authorization was approved.

30. Approve negotiation and execution of an amendment to the existing professional services agreement with EARTH TECH, INC., Austin, Texas, for second year program management consultant services, through the end of 2003, for the Austin Clean Water Program, in an amount not to exceed \$4,279,266 for a total amount not to exceed \$6,979,266. (Funding in the amount of \$4,279,266 is available in the 2002-2003 Amended Capital Budget of the Water & Wastewater Utility.) Overall participation for this project including this Phase is: 21.8% MBE, 19.2% WBE. (Recommended by Water and Wastewater Commission)
- The motion authorizing the negotiation and execution of an amendment to the existing professional services agreement was approved.**
31. Approve negotiation and execution of an amendment to the existing professional services agreement with TURNER COLLIE & BRADEN, INC., Austin, Texas, for construction phase services and professional engineering services for the South Austin Regional Wastewater Treatment Plant Expansion and Improvements Project, in an amount not to exceed \$11,830,132, for a total contract amount not to exceed \$29,977,075. (Funding in the amount of \$11,830,132 is available in the 2000-2001 Amended Capital Budget of the Water & Wastewater Utility. Overall sub-consultant participation for this project including this Amendment is 9.51% MBE, 26.62% WBE. (Recommended by Water and Wastewater Commission)
- The motion authorizing the negotiation and execution of an amendment to the existing professional services agreement was approved.**
32. Approve an ordinance amending Chapter 15-12 of the City Code to (1) create an excavation project coordination process for street cuts in the downtown area; (2) require a damage mitigation plan on larger excavation projects; (3) require facility owners to report information about previously unknown facilities discovered in the public rights-of-way during excavation; (4) require dedicated communication service entrances for all new buildings in the downtown area; and make non-substantive revisions to the City Code.
- Ordinance No. 021121-32 was approved. Council Member Wynn voted nay.**
33. Approve Modification No. 2 to increase the contracts for installation services for underground chilled water piping services with D. CARLSON & COMPANY, INC., Austin, Texas, TELLEPSEN SERVICES COMPANY, LP, Deer Park, Texas, and BRH-GARVER, INC. Houston, Texas, in a combined amount not to exceed \$500,000 for a revised total combined contract amount not to exceed \$5,500,000. (Funding in the amount of \$500,000 is available in the 2002-2003 Amended Capital Budget for the Electric Utility Department.) These contracts were awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore MBE/WBE goals were not established for this solicitation. All services will be completed by the Contractor's own workforce.
- The motion authorizing Modification No. 2 to increase the contracts for installation services for underground chilled water piping services was approved.**

34. Approve negotiation and execution of Modification No. 5 to a contract with GENERAL ELECTRIC INTERNATIONAL, Carrollton, Texas, for the purchase of a steam turbine generator in an amount not to exceed \$19,500, for a revised contract amount not to exceed \$22,510,505. (Funding in the amount of \$19,500 is available in the 2002-2003 Amended Capital Budget for the Electric Utility Department.) This contract was awarded in compliance with the MBE/WBE Ordinance. No subcontracting opportunities were identified; therefore no MBE/WBE goals were established for this solicitation. This contract is for a commodity purchase, with direct delivery by the manufacturer. There are no subcontracting opportunities for the modification.
The motion authorizing the negotiation and execution of Modification No. 5 to a contract was approved.
35. Approve negotiation and execution of Modification No. 6 to the contract with HOLTEC INTERNATIONAL, West, Marlton, NJ, for the purchase of five additional manifolds for the steam surface condenser in an amount not to exceed \$44,600, for a revised contract amount not to exceed \$1,594,000. (Funding in the amount of \$44,600 is available in the 2002-2003 Amended Capital Budget for the Electric Utility Department.) This contract was awarded in compliance with the MBE/WBE Ordinance. No subcontracting opportunities were identified; therefore no MBE/WBE goals were established for this solicitation. This contract is for a commodity purchase, with direct delivery by the manufacturer. There are no subcontracting opportunities for the modification.
The motion authorizing the negotiation and execution of Modification No. 6 to the contract was approved.
36. Approve execution of a contract with G.E. SUPPLY COMPANY, Austin, Texas, for the purchase of electrical cable for the Sand Hill Energy Center in an amount not to exceed \$469,599. (Funding is available in the 2002-2003 Amended Capital Budget of the Electric Utility Department.) Low bid/three bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance as amended. No subcontracting opportunities were identified; therefore MBE/WBE goals were not established for this contract. This contract is for the purchase of commodities, with direct delivery by the manufacturer.
The motion authorizing the execution of a contract was approved.
37. Approve execution of a 36-month supply agreement with SOUTHERN ELECTRICAL EQUIPMENT INC., Charlotte, North Carolina, for the purchase of motor operators in an amount not to exceed \$877,368.60. Funding in the amount of \$877,368.60 is available in the 2002-2003 Amended Capital Budget of the Electric Utility Department.) Low bid/ seven bids received. This contract will be awarded in compliance with the 1996M/WBE Ordinance as amended. No subcontracting opportunities were identified; therefore, no MBE/WBE goals were established for this solicitation. This contract is for the purchase of commodities, with direct delivery by the manufacturer.
The motion authorizing the execution of a supply agreement was approved.
38. Approve execution of two 12-month supply agreements for streetlight poles with TECHLINE, INC., Austin, Texas, in an amount not to exceed \$254,390.95 with three 12-month extension options in an amount not to exceed \$254,390.95 per extension option for a total contract amount not to exceed \$1,017,563.80 and with POWER SUPPLY, INC., Austin, Texas, in an amount not to exceed \$163,572.60 with three 12-month extension options in an amount not to exceed \$163,572.60 per extension option for a total contract amount not to exceed \$654,290.40. (Funding in the amount of \$348,302.96 is available in the 2002-2003 Amended Operating Budget of the Electric Utility Department. Funding for the remaining two months of the original

contract and extension options is contingent upon available funding in future budgets.) Low bids meeting specifications/six bids received. This contract will be awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established.

The motion authorizing the execution of supply agreements for streetlight poles was approved.

39. Approve negotiation and execution of fuel oil supply enabling contracts and transportation contracts with FLINT HILLS RESOURCES, Austin, TX; PETROLEUM TRADERS CORPORATION, Fort Wayne, IN; SUN COAST RESOURCES, INC., Houston, TX; TRIPLE S PETROLEUM COMPANY, Austin, TX; TRUMAN ARNOLD COMPANIES, Texarkana, TX; PICO PETROLEUM PRODUCTS, Boerne, TX; JOHNSON OIL COMPANY, Pflugerville, TX; MIDTEX OIL, L.P. DBA PIT STOP FOOD MARTS, New Braunfels, TX; OIL PRODUCTS DISTRIBUTION, Houston, TX, to establish a Fuel Oil Supply Program in an aggregate annual expenditure amount not to exceed \$14.3 million for each fiscal year and further authorize the Electric Utility Department to negotiate and execute contracts with additional qualified vendors as is reasonable and necessary to carry out the program. The enabling contracts are expected to have primary terms of one year or less and to continue in effect thereafter until terminated by agreement of the parties. (Funding in the amount of \$14,300,000 will be provided through the Electric Fuel Charge revenue. Funding in the amount of \$14,300,000 will be provided through Electric Fuel Charge revenue for each fiscal year beginning with fiscal year 2003.) Nine qualification statements were received. These contracts will be awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established.

The motion authorizing the negotiation and execution of fuel oil supply enabling contracts and transportation contracts was approved.

40. Approve negotiation and execution of 24-month professional service agreements with AMERINATIONAL COMMUNITY SERVICES, INC., Downey, CA, and LINDA COSTLEY, Buda, Texas, to provide labor standards compliance monitoring for the Neighborhood Housing and Community Development Department in an amount not to exceed \$90,000 per agreement with two 12-month extension options in an amount not to exceed \$45,000 per extension option, for a total agreement amount not to exceed \$180,000, with a combined total of the agreements not to exceed \$180,000. (Funding in the amount of \$90,000 is available in the 2002-2003 Approved Operating Budget of the Neighborhood Housing and Community Development Department. Funding for the extension options is contingent upon available funding in future budgets.) Two submittals meeting qualifications of two submittals received. This contract will be awarded in accordance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the negotiation and execution of professional service agreements was approved.

41. Approve Amendment No. 7 to a contract with ANTHEM HEALTH & LIFE COMPANY, Austin, Texas, to cover increased basic, supplemental and dependent life insurance costs to increase the contract in the amount of \$60,000 for the second extension year for a total annual amount of \$1,775,400 with the total contract amount not to exceed \$4,577,300. (Funding in the amount of \$60,000 was included in the 2002-2003 Approved Operating Budget for the Employee Benefits Fund.) This contract was awarded in compliance with the 1996 MBE/WBE Ordinance as amended. No subcontracting opportunities were identified; therefore, no goals were established.

The motion authorizing Amendment No. 7 to a contract was approved.

42. Approve execution of a 12-month supply agreement with TIRE CENTERS LLC, Austin, Texas, for the purchase of tires and tubes in an amount not to exceed \$550,000 with three 12-month extension options in an amount not to exceed \$550,000 per extension for a total contract amount not to exceed \$2,200,000. (Funding in the amount of \$416,700 was included in the 2002-2003 Approved Operating Budget for the Fleet Maintenance Fund of the Finance and Administrative Services Department and \$41,700 was included in the 2002-2003 Approved Operating Budget of the Water & Wastewater Utility Department. Funding for the remaining two months of the original contract period and extension options is contingent upon available funding in future budgets.) Low bidder/four bids received. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance, as amended. No subcontracting opportunities were identified; therefore, no goals were established for this solicitation.

The motion authorizing the execution of a supply agreement was approved.

43. Approve execution of Modification No. #2 to extend the contract with EPSIIA TECHNOLOGIES CORPORATION (formerly PSI Technologies Corporation), Austin, Texas, to provide software license and services for the electronic transcription of financial reports to CD-ROM's (Computer Disk Read Only) for 12-months in an amount not to exceed \$115,000 with three 12-month extension options in an amount not to exceed \$115,000 per extension for a total amount not to exceed \$1,310,000. (Funding in the amount of \$115,000 is available in the 2002-2003 Operating Budget of the Financial Services Department. Funding for the extension options will be contingent upon available funding in future budgets.) Sole Source. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance as amended. All the work will be provided by the contractor's own staff. No opportunities for subcontracting were identified.

The motion authorizing the execution of Modification No. #2 to extend the contract was approved.

44. Approve negotiation and execution of a 10-month Interlocal Agreement with TRAVIS COUNTY for weatherization services for the economically disadvantaged in an amount not to exceed \$260,000, with the option to extend for one 12-month period, in an amount not to exceed \$260,000 for a total contract amount not to exceed \$520,000. (Funding in the amount of \$260,000 is available in the 2002-2003 Conservation Rebates and Incentives Fund. Funding for extension option is contingent upon available funding in future budgets.)

The motion authorizing the negotiation and execution of an Interlocal Agreement was approved.

45. Approve execution of a 12-month service agreement with EXPERTCITY, INC., Santa Barbara, CA, to purchase licenses for the use of the GoToMyPC software due to the increase in teleworkers participating in the City of Austin Telework Program, for a total contract amount not to exceed \$84,961, with two 12-month options in amounts not to exceed \$88,521 and \$92,081 respectively, for a total contract amount not to exceed \$265,563. (Funding in the amount of \$84,961 was included in the Fiscal Year 2003-2004 Operating Budgets for various involved departments.) Sole Source. This contract will be awarded in compliance with the 1996 MBE/WBE Ordinance. Contractor will provide all services directly to the City with its own workforces. No subcontracting goals were established for this procurement.

The motion authorizing the execution of a service agreement was approved.

46. Approve an ordinance to amend Section 16-4-15 Speed Limits, of the City Code by adding Farmhaven Road from 70 feet east of Winterborne Drive to 350 feet west of Harris Branch Parkway to the list of streets having a maximum speed limit of 20 mph during certain times for students attending Bluebonnet Trails Elementary School. (Funding in the amount of \$400 for the installation of signs is available in the 2002-2003 operating Budget of the Child Safety Section of the Transportation, Planning and Sustainability Department.)
Ordinance No. 021121-46 was approved.
47. Approve an ordinance to amend the Austin City Code, Section 16-4-15 - Speed Limits, by adding Olson Drive to the list of streets having a maximum speed limit of 20 mph during certain times for students attending Spicewood Elementary School. (Funding in the amount of \$2,300 is available in the Fiscal Year 2002-2003 Child Safety Fund of the Transportation, Planning and Sustainability Department budget.)
Ordinance No. 021121-47 was approved.
48. Approve an ordinance to amend the Austin City Code, Section 16-4 -15 - Speed Limits, by adding Tin Cup Drive to the list of streets having a maximum speed limit of 20 mph during certain times for students attending Spicewood Elementary School. (Funding in the amount of \$750 for the installation of signs and markings is available in the 2002-2003 Child Safety Fund of the Transportation, Planning & Sustainability Department.)
Ordinance No. 021121-48 was approved.
49. Approve a resolution for the execution of a Memorandum of Understanding with the Texas Department of Transportation (TxDot) to accelerate the integration and interoperability of the City's and TxDot's Intelligent Transportation System (ITS).
Resolution No. 021121-49 was approved.
50. Approve a resolution authorizing negotiation and execution of agreements with local news media allowing them to access and transmit the traffic data and video information collected by the City's Intelligent Transportation System (ITS).
Resolution No. 021121-50 was approved.
51. Approve an ordinance to annex the Eagles Landing annexation area for full purposes (Approximately 53 acres in Travis County west of Decker Lane approximately 190 feet south of the intersection of Larical Trail and Decker Lane). (Funding necessary to provide general governmental services to this tract is available in the budgets of the department which will be providing the services.) (First Reading)
The first reading of the ordinance was approved.
52. Approve an ordinance to annex the Manchaca Road ROW area for full purposes (Approximately one acre of Manchaca ROW at the intersection of Manchaca Road and Melibee Trail). (Funding necessary to provide general governmental services to this tract is available in the budgets of the department which will be providing the services.)
Ordinance No. 021121-52 was approved.

53. Approve an ordinance to annex the McKinney Falls East Addition area for the limited purposes of planning and zoning (Approximately 42 acres in Travis County west of Thaxton Road approximately 425 feet south of the intersection of Thaxton Road and Alum Rock Drive). (Funding necessary to provide planning and zoning services to this tract is available in the budgets of the department which will be providing the services.) (First Reading)
The first reading of the ordinance was approved.
54. Approve an ordinance to approve McKinney Falls East Addition Area Regulatory Plan. (Funding necessary to provide planning and zoning services to this tract is available in the budgets of the department which will be providing the services.) (First Reading)
The first reading of the ordinance was approved.
55. Approve an ordinance to annex the Avery Ranch Area for full purposes (approximately 83 acres in Williamson County north of the intersection of Avery Ranch Blvd and Staked Plains Drive). (Funding necessary to provide general governmental services to this tract is available in the budgets of the department which will be providing the services.)
Ordinance No. 021121-55 was approved.
56. Approve an ordinance to annex the FM 973 ROW area for full purposes (Approximately 18 acres in Travis County of FM 973 right-of-way (ROW) from approximately one quarter of a mile south of the intersection of FM 973 and State Highway 71 south to approximately one tenth of a mile south of the intersection of FM 973 and Fincher Road) (Funding necessary to provide general governmental services to this tract is available in the budgets of the department which will be providing the services.)
Ordinance No. 021121-56 was approved.
57. Approve an ordinance to annex the Forest Hills annexation area for full purposes (Approximately 10 acres in Travis County on the east side of Manchaca Road approximately seven tenths of a mile south of the intersection of Manchaca Road and Slaughter Lane). (Funding necessary to provide general governmental services to this tract is available in the budgets of the department which will be providing the services.)
Ordinance No. 021121-57 was approved.
58. Approve an ordinance to annex the Morse TND / Dessau Road annexation area (Approximately 280 acres in Travis County east of Dessau Road and east of the intersection of Applegate Drive and Dessau Road including Dessau Road right-of-way (ROW) from approximately one tenth of a mile south of the intersection of Dessau Road and Sprinkle Cutoff Road south to approximately three tenths of a mile north of the intersection of Dessau Road and Rundberg Lane). (Funding necessary to provide general governmental services to this tract is available in the budgets of the department which will be providing the services.)
The first reading of the ordinance was approved.
59. Approve an Ordinance to amend Ordinance No. 020909-2, the 2002-2003 Capital Budget by increasing appropriations to the Water and Wastewater Utility by \$3,613,275 and creating a new water project known as "Pearce Lane Tract" for \$3,613,275. (Funding will be provided from the proceeds of debt issuance when the annual obligation comes due in future budget years. See related reimbursement resolution.) (Recommended by Water and Wastewater Commission) (Related Items 60 and 61)
Ordinance No. 021121-59 was approved.

60. Approve a resolution to declare official intent to reimburse construction costs in the amount of \$3,613,275 to be paid for developer reimbursements for the Pearce Lane Tract Water project. (An amount of \$3,613,275 for the Water and Wastewater Utility to be funded by the issuance of commercial paper.) (Recommended by Water and Wastewater Commission) (Related Items 59 and 60)
Resolution No. 021121-60 was approved.
61. Authorize negotiation and execution of a cost reimbursement agreement with Live Oak Development, providing terms and conditions for construction of a 36-inch water main and appurtenances to provide water service to the Pearce Lane Tract located on Pearce Lane at Ross Road with City cost reimbursement for actual "hard" construction costs in an amount not to exceed \$3,211,800.00 and City cost reimbursement for engineering, design and project management not to exceed 15% of the "hard" construction costs or \$401,475.00, whichever is less, for a total cost reimbursement amount not to exceed \$3,613,275, for actual "hard" construction costs; adopt an Ordinance waiving the requirements of Section 25-9-61, of the City Code relating to the maximum cost reimbursement of a facility; waiving the requirements of Section 25-9-63, of the City Code relating to amount of cost reimbursement. (Funding is included in the 2002-2003 Amended Capital Budget of the Water and Wastewater Utility.) (Recommended by Water and Wastewater Commission) (Related Items 59 and 60)
The motion authorizing the negotiation and execution of a cost reimbursement agreement and approving Ordinance No. 021121-61 were approved.
62. Approve negotiation and execution of an amendment to the existing professional services agreement with PBS&J, Austin, Texas, for design phase engineering services for the Barton Creek Lift Station Force Main Project, in the amount not to exceed \$928,268 for a total amount not to exceed \$1,671,969. (Funding is available in the 2002-2003 Amended Capital Improvement Budget of the Water and Wastewater Utility.) Overall participation from the beginning including amendment: 12.2% MBE, 16.4 WBE. (Recommended by Water and Wastewater Commission) (Parks and Recreation Board Land and Facilities Committee Review and Environmental Board Review)
The motion authorizing the negotiation and execution of an amendment to the existing professional services agreement was approved.
63. Approve an ordinance to amend Ordinance No. 020909-02, the 2002-2003 Capital Budget by increasing appropriations to the Water and Wastewater Utility by \$6,200,000 and creating a new wastewater project known as "Onion Creek Tunnel Emergency Inspection and Liner Removal" for \$6,200,000. (Funding will be provided from the proceeds of debt issuance.) (Related Items 64 and 65)
Ordinance No. 021121-63 was approved.
64. Approve a resolution to declare official intent to reimburse project costs in the amount of \$6,200,000 for a contract with JF WHITE CONTRACTING CO. for the Onion Creek Tunnel Emergency Inspection and Liner Removal Project. (Funds for the Water and Wastewater Utility to be funded by the proceeds of debt issuance.) (Related Items 63 and 65)
Resolution No. 021121-64 was approved.

65. Approve a contract with JF WHITE CONTRACTING CO, Framingham, MA for the Onion Creek Tunnel Emergency Inspection & Liner Removal Project in an amount not to exceed \$5,639,430 with a \$560,570 contingency for total amount not to exceed \$6,200,000. (Funding in the amount of \$6,200,000 is available in the 2002-2003 Amended Capital Budget of the Water and Wastewater Utility.) Third lowest of four bids received. 9.58% MBE, 7.02% WBE subcontracting participation. (Related Items 63 and 64)
The motion authorizing the execution of a contract was approved.

66. Appointments to Boards and Commissions.
The following appointments were made:

<u>Board/ Appointee</u>	<u>Consensus/ Council Nominee</u>	<u>Appointment/ Reappointment</u>
<u>Building and Standards Commission</u> Ali Khataw	Consensus	Appointment
<u>Child Care Council</u> June E. Smith	Consensus	Appointment
<u>Community Development Commission</u> Horace Carrington Shama Gamkhar	Consensus Council Member Wynn's	Reappointment Reappointment
<u>Telecommunications Commission</u> Chip Rosenthal	Consensus	Appointment

67. Approve a resolution establishing a nine-member advisory committee to advise City Council about day labor issues. (Mayor Gus Garcia and Council Member Raul Alvarez)
This item was postponed to December 5, 2002.
68. Approve a resolution reaffirming the appointment approved by Council on 11/7/02 of Sid Covington as a business Community representative to the Austin San Antonio Rail Corridor Council. (Council Member Daryl Slusher, Council Member Will Wynn and Council Member Danny Thomas)
Resolution No. 021121-68 was approved.
69. Approve resolution accepting the recommendations of the Mayor's Task Force on the Economy described in City Council Work Session of November 20, 2002. (Council Member Will Wynn and Council Member Betty Dunkerley)
Resolution No. 021121-69 was approved.
70. Approve an ordinance waiving and reimbursing certain development fees for the construction of a golf course by Greater Austin First Tee on a 96-acre tract owned by the Young Men's Christian Association located at 5501 Ed Bluestein. (Council Member Betty Dunkerley, Council Member Will Wynn and Council Member Raul Alvarez)
Ordinance No. 021121-70 was approved.

71. Set a public hearing on a proposed amendment to Chapter 10-5 of the City Code regarding sound permits for outdoor music venues and the creation of an offense for violation of permit rules. (Suggested Date and Time: December 5, 2002 at 6:00 p.m.)
The public hearing was set for December 5, 2002 at 6:00 p.m.

Item 72 was pulled for discussion.

73. Approve an ordinance transferring a franchise held by Southern Union Gas Company to Oneok, Inc. (Replaces item number 16)
This item was removed from the agenda because it duplicates No. 16.

DISCUSSION ITEMS

13. Approve settlement in *Raili Buckner and Joe Buckner v. City of Austin, Texas d/b/a Austin Energy and Daniel Balandran*, Cause Number GN 201060 in the 345th Judicial District Court of Travis County, Texas. (This lawsuit arises out of a motor vehicle collision involving a city employee).
The motion to approve the settlement for the agreed to amount of \$825,000, plus an additional \$175,000, to go directly to the family rather than the attorneys, for a total of \$1 million, was approved on Council Member Slusher's motion, Council Member Thomas's second on a 6-0 vote. Mayor Pro Tem Goodman was absent. The friendly amendment that staff be directed to find a financial vehicle that would provide additional benefits to the people involved, using the additional sum of money provided, was made by Council Member Wynn. This was accepted by the maker of the motion and Council Member Thomas who seconded the motion.
19. C14-02-0035 – Harmon Tract - Approve third reading of an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 3226 West Slaughter Lane (Slaughter Creek Watershed) from I-RR, Interim-Rural Residence district, zoning to MF-4-CO, Multi-family Residence Moderate-High Density-Conditional Overlay Combining district, zoning with conditions. Second Reading on November 7, 2002; Vote: 4-3, Alvarez, Goodman and Slusher - nay. First Reading on July 11, 2002; Vote: 7-0. Conditions met as follows: Conditional overlay and restrictive covenant incorporates the conditions imposed or accepted by Council at second ordinance reading. Applicants and Property Owners: John M. and Joyce W. Harmon. Agent: Graves, Dougherty, Hearon & Moody, P.C. (David Hartman). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 021121-19 was approved on Council Member Wynn's motion, Council Member Dunkerley's second on a 4-2-0 vote. Those voting aye were: Mayor Garcia and Council Members Dunkerley, Thomas and Wynn. Those who voted nay were: Council Members Alvarez and Slusher. Mayor Pro Tem Goodman was absent.

Mayor Garcia recessed the Council Meeting at 3:19 p.m.

Mayor Garcia called the Council Meeting back to order at 4:02 p.m.

ZONING HEARINGS AND APPROVAL OF ORDINANCES/RESTRICTIVE COVENANTS

The following items were acted on by one motion. No separate discussion or action occurred on any of the items. The public hearings were closed and consent items were approved on Council Member Wynn's motion, Council Member Slusher's second on a 5-0 vote. Mayor Pro Tem Goodman was absent and Council Member Dunkerley was off the dais.

The motion to reconsider the zoning consent agenda to allow a citizen to speak was approved on Council Member Slusher's motion, Council Member Wynn's second on a 5-0 vote. Mayor Pro Tem Goodman was absent and Council Member Dunkerley was off the dais.

The public hearings on the following consent items were closed on Council Member Slusher's motion, Council Member Wynn's second on a 5-0 vote. Mayor Pro Tem Goodman was absent and Council Member Dunkerley was off the dais. The consent items were approved on Council Member Alvarez' motion and Council Thomas' second on a 5-0 vote. Mayor Pro Tem Goodman was absent and Council Member Dunkerley was off the dais.

- Z-1. C14H-01-0013 - Metz Building - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 706 Congress Avenue (Town Lake Watershed) from CBD, Central Business District, zoning to CBD-H, Central Business District-Historic Combining district, zoning. Zoning and Platting Commission: To grant CBD-H, Central Business District-Historic Combining district, zoning. Historic Landmark Commission Recommendation: To grant CBD-H, Central Business District-Historic Combining district, zoning. Applicants and Property Owner: Pam Fielding. City Staff: Steve Sadowsky, Transportation, Planning and Sustainability Department, 974-6454.
Ordinance No. 021121-Z1 was approved.
- Z-2. C14H-02-0101 – Whitley-Keltner House - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 200 East 32nd Street (Shoal Creek Watershed) from MF-3, Multifamily Residence Medium Density district, zoning to NO-MU-H, Neighborhood Office-Mixed Use-Historic Combining district zoning. Zoning and Platting Commission Recommendation :To grant NO-MU-H, Neighborhood Office-Mixed Use-Historic Combining district, zoning. Historic Landmark Commission Recommendation: To grant NO-MU-H, Neighborhood Office-Mixed Use-Historic Combining district, zoning. Applicant and Agent: Catherine Attal. City Staff: Glenn Rhoades, 974-2775 and Steve Sadowsky, Transportation, Planning and Sustainability Department, 974-6454.
Ordinance No. 021121-Z2 was approved.
- Z-3. C814S-86-030 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 1407 W. Stassney Lane (Williamson Creek Watershed) from PUD, Planned Unit Development district, zoning to PUD, Planned Unit Development district, zoning in order change a condition of zoning. Zoning and Platting Commission Recommendation: To grant PUD, Planned Unit Development district, zoning. Applicant and Property Owner: Oaks Psychiatric Hospital, Inc. (Darrel Massengel). Agent: Armbrust & Brown. (John Carlton). City Staff: Fred Solis, Watershed Protection and Development Review Department, 974-6045.
The first reading of the ordinance was approved.
- Z-4. C814-88-0001 (RCA) – Davenport Ranch PUD – Conduct a public hearing and approve a restrictive covenant amendment for the property locally known as 2800 Waymaker Way (Lake

Austin Watershed). Zoning and Platting Recommendation: To grant the restrictive covenant amendment with conditions. Applicant: Parmer Ridge Limited (John Lloyd). Agent: Armbrust, Brown and Davis (Kris Kasper) City Staff: Glenn Rhoades, 974-2775. (continued from 5/23/02, 8/8/02 and 9/26/02, 10/10/02 and 10/24/02)

This item was postponed to December 5, 2002 at staff's request.

- Z-5. C14-02-0074 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 12501 Pearce Lane and 5821 Ross Road (Dry Creek Watershed) from DR, Development Reserve district zoning to SF-4A, Single Family Residence Small Lot district, zoning. Zoning and Platting Commission Recommendation: To grant SF-4A, Single Family Residence Small Lot district, zoning. Applicant: Gilbert and Chester Anderson. Agent: Bury and Partners (Jim Gallegos). City Staff: Glenn Rhoades, 974-2775.
Ordinance No. 021121-Z5 was approved.
- Z-6. C14-02-0102 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 3305-3415 West Slaughter Lane (Slaughter Creek Watershed) from LO, Limited Office district, I-SF-2, Interim-Single Family Standard Lot district, and SF-2, Single Family Standard Lot district, zoning to GR-MU, Community Commercial-Mixed Use- Conditional Overlay Combining district, zoning with conditions. Zoning and Platting Commission Recommendation: To grant LR-MU-CO, Neighborhood Commercial-Mixed Use Combining district, zoning with conditions. Applicant: George Cantu, Thomas Carlson, Michael Doer, Linda Cates, Kenneth Polk, Daniel and Lydia Acuna. Agent: Lauretta Dowd. City Staff: Glenn Rhoades, 974-2775. Note: A valid petition has been filed in opposition to this rezoning request.
Item was postponed to December 5, 2002 at agent's request.
- Z-7. C14-02-0103 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by zoning property locally known as 1700 - 1800 Block of Dittmar Road (Slaughter Creek Watershed) from DR, Development Reserve district, zoning to SF-4A, Single Family Residence Small Lot district, zoning. Zoning and Platting Commission Recommendation: To grant SF-4A, Single Family Residence Small Lot district, zoning. Applicant: Doubledown Development (Stephen Glasgow). Agent: Armbrust & Brown, LLP (Richard Suttle, Jr.). City Staff: Wendy Walsh, 974-7719.
Ordinance No. 021121-Z7 was approved.
- Z-8. C14-02-0132 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as Pond Springs Road at San Felipe Boulevard (Rattan Creek Watershed) from MF-3-CO, Multi-Family Residence-Medium Density-Conditional Overlay Combining district, zoning to GR, Community Commercial district, zoning. Zoning and Platting Commission Recommendation: To grant GR-CO, Community Commercial-Conditional Overlay Combining district, zoning, with conditions. Applicant: Admiralty Fund of America, Inc. (Ralph Goodson). Agent: Land Answers (Jim Wittliff). City Staff: Sherri Gager, 974-3057.
The first reading of the ordinance was approved.
- Item 9 was pulled for discussion.**
- Z-10. C14-02-0146 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 4101 Churchhill Downs Drive (Lake Austin Watershed) from RR, Rural Residence district, zoning to SF-1, Single Family Large Lot

district, zoning. Zoning and Platting Commission Recommendation : To grant SF-1, Single Family Large Lot district, zoning. Applicant: Rudy and Theresa Garza. Agent: Armbrust and Brown (Richard Suttle, Jr.). City Staff: Glenn Rhoades, 974-2775.

Ordinance No. 021121-Z10 was approved.

- Z-11. C14-02-0148 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 6500 Burleson Road (Onion Creek Watershed) from DR, Development Reserve district, zoning to LI-CO-NP, Limited Industrial Services-Conditional Overlay-Neighborhood Plan Combining district, zoning. Planning Commission Recommendation: To grant LI-CO-NP, Limited Industrial Services-Conditional Overlay-Neighborhood Plan Combining district, zoning. Applicant and Property Owner: Carlos B. Ortiz; Yolanda T. De Ortiz. Agent: Holland Wiler. City Staff: Wendy Walsh, 974-7719.

Ordinance No. 021121-Z11 was approved.

- Z-12. C14-02-0152- Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7800 U.S. Highway 290 West (Williamson Creek Watershed) from GR-CO, Community Commercial-Conditional Overlay Combining district, zoning to GR-CO, Community Commercial-Conditional Overlay Combining district, zoning in order to change a condition of zoning. Zoning and Platting Commission recommendation: To grant GR-CO, Community Commercial-Conditional Overlay Combining district, zoning. Applicant: Buffalo Equities, LTD. Agent: Brown McCarroll, LLP (Nikelle Meade). City Staff: Annick Beaudet, 974-2975.

The first reading of the ordinance was approved.

- Z-13. C14-02-0156 - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as the west side of River Place Blvd., approximately 1 mile north from its intersection with Milky Way Drive (Lake Austin Watershed) from SF-5, Urban Family Residence district zoning to SF-6, Townhouse and Condominium Residence district, zoning. Zoning and Platting Commission Recommendation : To be considered by the Zoning and Platting Commission on November 19, 2002. Applicant: R.P. Preserve Ltd. (Blake Mcgee). Agent: Longaro and Clarke (Joe Longaro). City Staff: Glenn Rhoades, 974-2775.

This item was postponed to December 12, 2002 at staff's request.

Items 14 and 15 were pulled for discussion.

ZONING DISCUSSION ITEMS

- Z-9. C14-01-0134- Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 9530 U.S. Highway 290 East (Walnut Creek Watershed) from DR, Development Reserve district, zoning to CS, General Commercial Services district, zoning. Zoning and Platting Commission recommendation: To grant CS-CO, General Commercial Services-Conditional Overlay Combining district, zoning with conditions. Applicant: Humberto Suarez. Agent: AIC Engineers (Adan Castaneda). City Staff: Annick Beaudet, 974-2975.

The public hearing was closed on Council Member Thomas' motion, Council Member Slusher's second on a 6-0 vote. Mayor Pro Tem Goodman was absent.

The first reading for CS-CO General Commercial Services-Conditional Overlay Combining district zoning, including all conditions imposed by the Zoning & Platting Commission as follows, with an additional prohibition of no drive-through facilities, was

approved on Council Member Slusher's motion, Council Member Thomas' second on a 5-1-0 vote. Mayor Garcia voted nay. Mayor Pro Tem Goodman was absent. The Zoning & Platting Commission conditions were:

- Limit vehicle trips to 2000 per day;
- Prohibit convenient storage and automobile storage;
- Prohibit
 - Agriculture sales and services;
 - Cocktail lounge;
 - Construction sales & services;
 - Drop-off recycling collection facility;
 - Equipment repair services (equip. one ton or over);
 - Equipment sales (trucks one ton or over);
 - Indoor entertainment, sports & recreation;
 - Liquor sales;
 - Pawnshop services;
 - Residential treatment;
 - Scrap & salvage services;
 - Transitional housing;
- Include a site detention to handle the runoff.

- Z-14. NPA-02-0005.01 – Montopolis Neighborhood Plan Amendment – Conduct a public hearing to consider amending the Montopolis Neighborhood Plan and the Austin Tomorrow Plan to revise the Future Land Use Map to change the use of a portion of the “Steiner Tract” located at 7300-7320 Riverside Drive from Office to Multifamily Residential. Planning Commission Recommendation: To forward this request to Council without a recommendation. Property Owner: T.C. Steiner and Son (Robert Steiner). Agent: Minter, Joseph, & Thornhill, P.C. (John M. Joseph). City Staff: Annick Beaudet, 974-2975
The public hearing was closed on Council Member Slusher's motion, Council Member Dunkerley's second on a 6-0 vote. Mayor Pro Tem Goodman was absent.

The first reading of the ordinance was approved on Council Member Alvarez' motion, Council Member Dunkerley's second on a 6-0 vote. Mayor Pro Tem Goodman was absent.

- Z-15. C14-01-0010 – Steiner Tract - Conduct a public hearing and approve an ordinance amending Chapter 25-2 of the Austin City Code by rezoning property locally known as 7300-7320 Riverside Drive and 900 Bastrop Highway (Carson Creek Watershed) from SF-2, Single Family Standard Lot District, zoning and SF-3, Family Residence district, zoning to MF-3-CO-NP, Multifamily Residence Medium Density-Conditional Overlay-Neighborhood Plan Combining, district zoning and CS-CO-NP, General Commercial Services-Neighborhood Plan, district zoning. Zoning and Platting Commission Recommendation: To recommend MF-3-CO-NP, Multifamily Residence-Medium Density-Conditional Overlay-Neighborhood Plan, district zoning (Tract 1 and 2) and CS-NP, General Commercial Services-Neighborhood Plan, district zoning (Tract 3) with conditions. Applicant and Property Owner: T.C. Steiner and Son (Robert Steiner). Agent: Minter, Joseph, & Thornhill, P.C. (John M. Joseph). City Staff: Annick Beaudet, 974-2975.
The public hearing was closed on Council Member Slusher's motion, Council Member Dunkerley's second on a 6-0 vote. Mayor Pro Tem Goodman was absent.

The first reading of the ordinance adopting the staff's recommendation for SF-6-CO-NP for the Northern half of combined Tracts 1 and 2, MF-3-CO-NP for the Southern half of the combined Tracts 1 and 2; and CS-NP for Tract 3 with the following revisions was approved on Council Member Alvarez' motion, Council Member Dunkerley's second on a 6-0 vote. Mayor Pro Tem Goodman was absent. The changes to the staff's recommendation was to remove the 2,000 trips per day limitation, remove the additional 100 foot buffer from the electrical easement, and restrict the total units to 1000, and single family units to 500.

The motion to recess the meeting at 5:21 p.m. was approved on Council Member Wynn's motion, Council Member Dunkerley's second on a 6-0 vote. Mayor Pro Tem Goodman was absent.

Mayor Garcia called the Council Meeting back to order at 6:10 p.m.

6:00 P.M. PUBLIC HEARINGS AND POSSIBLE ACTION

72. Conduct a public hearing regarding a proposed strategic partnership agreement (SPA) between the City of Austin and the Springwoods Municipal Utility District (approximately 468 acres west of the intersection of Pond Springs Road and Anderson Mill Road)

The public hearing was closed on Council Member Wynn's motion, Council Member Slusher's second on a 6-0 vote. Mayor Pro Tem Goodman was absent.

The motion to adjourn the meeting at 6:15 p.m. was approved on Council Member Slusher's motion, Council Member Wynn's second on a 6-0 vote. Mayor Pro Tem Goodman was absent.

The minutes for the Regular Meeting of November 21, 2002 were approved on December 5, 2002 on Mayor Pro Tem Goodman's motion, Council Member Dunkerley's second on a 7-0 vote.